

June 16, 2006

Dear Stakeholders and Interested Parties:

Over the past decade, Montana's air quality program experienced unprecedented growth in federal regulatory requirements while EPA's stagnant financial support has constrained the state's ability to address air quality issues in a thorough and timely manner. By themselves, existing federal statutory requirements are formidable and require all available staff resources. The anticipated effects of additional proposed federal rules, when finalized, will draw us closer to a disastrous tipping point. For example, since 2002, EPA has required Montana to develop and implement regulations addressing New Source Review (NSR) reform, consolidated emissions reporting, mercury emissions, regional haze, and Maximum Available Control Technology (MACT) standards, to name a few.

In response to these challenging regulatory requirements, Montana proposed many workable solutions to effectively regulate and track emission sources in ways that maximize scarce state resources while protecting the health of Montanans. These include redefining PSD baseline areas, allowing oil and gas permit registration, and providing for a "de minimis" permitting process. EPA has not supported our efforts to streamline our workload in ways that do not sacrifice protection.

As a direct result of the regulatory demands imposed on states by the federal government over the past decade, the Department is forced to evaluate declining resources and prioritize programs accordingly. While I do not enjoy relinquishing any activities of the air program, I am forced to take action to protect Montana's core program elements.

Thus, it is with great reluctance that I withdraw Montana's efforts to revise the state's visibility control plan that would incorporate provisions of the Regional Haze Rule, including the development and implementation of the Best Available Retrofit Technology (BART) rule. To that end, I have re-assigned staff previously committed to protecting visibility impairment in national parks and wilderness areas and assigned them to support regulatory programs aimed directly at protecting public health.

In response to this regrettable situation, EPA will make a finding of State Implementation Plan inadequacy and be forced to promulgate additional federal rules to address the requirements of the Regional Haze Rule, including BART. EPA will be the lead agency in negotiating BART with eligible sources and for fulfilling additional plan requirements.

Montana is discontinuing the monthly stakeholder meetings and involvement with the regional planning organization. Your participation on the stakeholders work group was certainly appreciated. I will continue to reassess this position in relation to current and future federal regulatory requirements, program funding assistance, and available Department resources.

If you should have any questions on this matter, please contact Robert Habeck at (406) 444-7305.

Sincerely,

Richard Oppen

Director, Montana Department of Environmental Quality